

## Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-14 EA-12 EUR-12  
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E.O. 11652: N/A

TAGS: UNGA, ILC

SUBJ: SIXTH COMMITTEE - REPORT OF THE INTERNATIONAL LAW  
COMMISSION (ILC), OCT. 21

SUMMARY: SIXTH COMMITTEE BEGAN CONSIDERATION OF ILC REPORT  
ON OCT. 21. ONLY SPEAKER WAS CHAIRMAN OF THE ILC, WHO  
INTRODUCED THE REPORT AND HIGHLIGHTED POTENTIAL AREAS OF  
CONTROVERSY. END SUMMARY.

1. SIXTH COMMITTEE BEGAN CONSIDERATION OF ILC REPORT OCT. 21.  
SIR FRANCIS VALLAT, CHAIRMAN OF ILC, INTRODUCED REPORT.  
(TEXT POUCHED SCHWEBEL (L).) STATEMENT HIGHLIGHTED AREAS LIKELY  
TO BE DEBATED DURING SIXTH COMITE CONSIDERATION OF ITEM.

2. WITH RESPECT TO DRAFT ARTICLES ON STATE  
RESPONSIBILITY, SAID IT IS OFTEN OF VITAL POLITICAL IMPORTANCE  
TO KNOW WHETHER A TREATY OBLIGATION CAN BE FULFILLED WITHOUT TAKING  
ANY SPECIAL MEASURES OR WHETHER  
THE STATE IS REQUIRED TO ENACT LEGISLATION OR TAKE OTHER  
SPECIFIED STEPS. NOTED THAT ARTICLE ON EXHAUSTION OF  
REMEDIES WAS LIMITED TO OBLIGATIONS OF RESULT. ACKNOWLEDGED  
UNGA CALL FOR ILC TO DEAL WITH STATES RESPONSIBILITY AS MATTER  
OF PRIORITY AND SAID ILC INTENDS TO COVER SUBSTANTIALLY  
MORE GROUND ON THIS TOPIC NEXT SESSION.

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3. WITH RESPECT TO SUCCESSION OF STATES, SAID A MAJOR  
CONTROVERSY WAS WHETHER SCOPE OF ARTICLES SHOULD BE LIMITED  
TO "INTERNATIONAL" DEBTS AND THEREFORE EXCLUDE DEBTS  
OWED PRIVATE PERSONS. SAID ILC ALSO ENCOUNTERED DIFFICULTY  
WITH RESPECT TO ARTICLE 20, WHICH DEALS WITH EFFECTS OF PASSING  
OF STATE DEBTS ON CREDITORS. URGED STATES TO COMMENT ON THIS.

SAID AN IMPORTANT OUTSTANDING MATTER WAS SETTLEMENT OF DISPUTES.

5. WITH RESPECT TO TREATIES BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS, SAID COMPLICATIONS HAVE ARISEN BECAUSE OF OBJECTIONS TO REGARDING INTERNATIONAL ORGANIZATIONS IN SIMILAR POSITION AS STATES. SAID THAT ALTHOUGH OBJECTIONS WERE LARGELY "INSTINCTUAL", THEY HAD TO BE CONSIDERED.

6. URGED STATES TO SUBMIT THEIR COMMENTS ON DRAFT ARTICLES ON MOST-FAVORED-NATION CLAUSE BEFORE JANUARY, 1978.

7. WITH RESPECT TO FUTURE WORK OF ILC, SAID ILC IS CONSIDERING BEGINNING WORK ON THREE ITEMS: INTERNATIONAL LIABILITY FOR INJURIOUS CONSEQUENCES ARISING OUT OF ACTS NOT PROHIBITED BY INTERNATIONAL LAW; JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY; DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND.

8. MISOFF REQUESTS GUIDANCE AS TO WHICH OF PROPOSED NEW ITEMS ILC SHOULD BE ENCOURAGED TO BEGIN.  
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## Message Attributes

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**TAGS:** PORG, PGOV, UNGA, ILC, (VALLAT, FRANCIS)  
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**Review Markings:**  
Margaret P. Grafeld  
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